

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MELISSA KOPICK,

Plaintiff,

v.

MULTICARE HEALTH SYSTEM,

Defendant.

Case No.:

NOTICE OF REMOVAL OF CIVIL  
ACTION

TO: MELISSA KOPICK, Plaintiff, and her attorney, RICHARD H.  
WOOSTER of KRAM & WOOSTER, P.S.

AND TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant MultiCare Health System  
("MultiCare") hereby gives notice of its removal of this civil action, titled *Kopick v. MultiCare  
Health System*, PCSC Cause No. 21-2-04069-3, from the Pierce County Superior Court of the  
State of Washington to the United States District Court for the Western District of Washington  
(Tacoma Division), and in support thereof states as follows:

1. This case was commenced in the Pierce County Superior Court of the State of  
Washington by service of Plaintiff Melissa Kopick's Complaint and Summons on MultiCare on  
January 26, 2021.

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2. This is a civil action raising: (1) claims against MultiCare for alleged retaliation and interference with Plaintiff's use of leave under the Family and Medical Leave Act, 29 U.S.C. § 2601 *et seq.* ("FMLA") and the Washington Family Leave Act, RCW 49.78 *et seq.* ("WFLA")<sup>1</sup>; and (2) claims against MultiCare for alleged disability discrimination in violation of the Americans with Disabilities Act, as Amended, 42 U.S.C. § 12101 *et seq.* ("ADA") and the Washington Law Against Discrimination, RCW 49.60 *et seq.* ("WLAD").

### **I. FEDERAL QUESTION JURISDICTION EXISTS**

3. Plaintiff has raised federal claims against MultiCare under the FMLA and ADA. Complaint, ¶¶ 3.1.1, 3.1.2.

4. While the Complaint alleges additional state claims under the WFLA and WLAD, this Court has supplemental jurisdiction over those claims under 28 U.S.C. § 1367, because those claims arise out of the same operative facts as Plaintiff's federal claims and thus "form part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. § 1367(a); *see* Complaint.

5. Because at least some of Plaintiff's claims arise under the laws of the United States and present a federal question, this civil action is one in which the district courts of the United States have original jurisdiction pursuant to 28 U.S.C. § 1331, and this action is one which may be removed to this Court by MultiCare pursuant to the provisions of 28 U.S.C. § 1441(a).

### **II. REMOVAL HAS BEEN TIMELY AND PROPERLY SOUGHT**

6. The Summons and Complaint were served on MultiCare on January 26, 2021. Therefore, pursuant to 28 U.S.C. § 1446(b)(1), this notice is timely filed within thirty days of service of the initial pleading setting forth Plaintiff's claims for relief.

7. In accordance with 28 U.S.C. § 1446(a) and LCR 101(b), copies of Plaintiff's

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<sup>1</sup> The WFLA was repealed effective December 31, 2019, but Plaintiff's Complaint nevertheless contains such a claim.

1 Complaint and Summons received by MultiCare are attached hereto.

2 8. Venue is proper in this District and division pursuant to 28 U.S.C. §§ 128(b) and  
3 1441(a) because the Tacoma Division of the Western District of Washington encompasses Pierce  
4 County, where Plaintiff filed the state court action being removed.

5 9. Pursuant to 28 U.S.C. § 1446(d), MultiCare will promptly serve a copy of this  
6 Notice on counsel for Plaintiff and will file a copy of this Notice with the Clerk of the Pierce  
7 County Superior Court of the State of Washington.

8 WHEREFORE, Defendant MultiCare requests that this case proceed as an action  
9 properly removed hereto.

10 DATED: February 23, 2021.

STOEL RIVES LLP

11  
12 s/ Karin D. Jones

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19 Attorney for Defendant  
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**CERTIFICATE OF SERVICE**

I, Melissa Wood, declare under penalty of perjury under the laws of the State of Washington that the following is true and correct. I am employed by the law firm of Stoel Rives LLP. At all times hereinafter mentioned, I was and am a citizen of the United States of America, a resident of the State of Washington, and over the age of 18 years, not a party to the above-entitled action, and competent to be a witness herein.

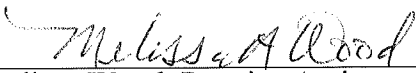
I hereby certify that on February 23, 2021, I served the foregoing document on the following persons by the means described below:

Richard H. Wooster  
Kram & Wooster, P.S.  
1901 South "I" Street  
Tacoma, WA 98405  
Email: [rich@kjwtlaw.com](mailto:rich@kjwtlaw.com)

- ☐ hand delivery
- ☐ facsimile transmission
- ☐ overnight delivery
- ☒ first class mail
- ☒ e-mail delivery

Counsel for Plaintiff

DATED at Seattle, Washington this 23rd day of February, 2021.

  
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Melissa Wood, Practice Assistant

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